

DRONES AND RISK MANAGEMENT FOR LOCAL GOVERNMENTS

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Utah County Indemnity Pool
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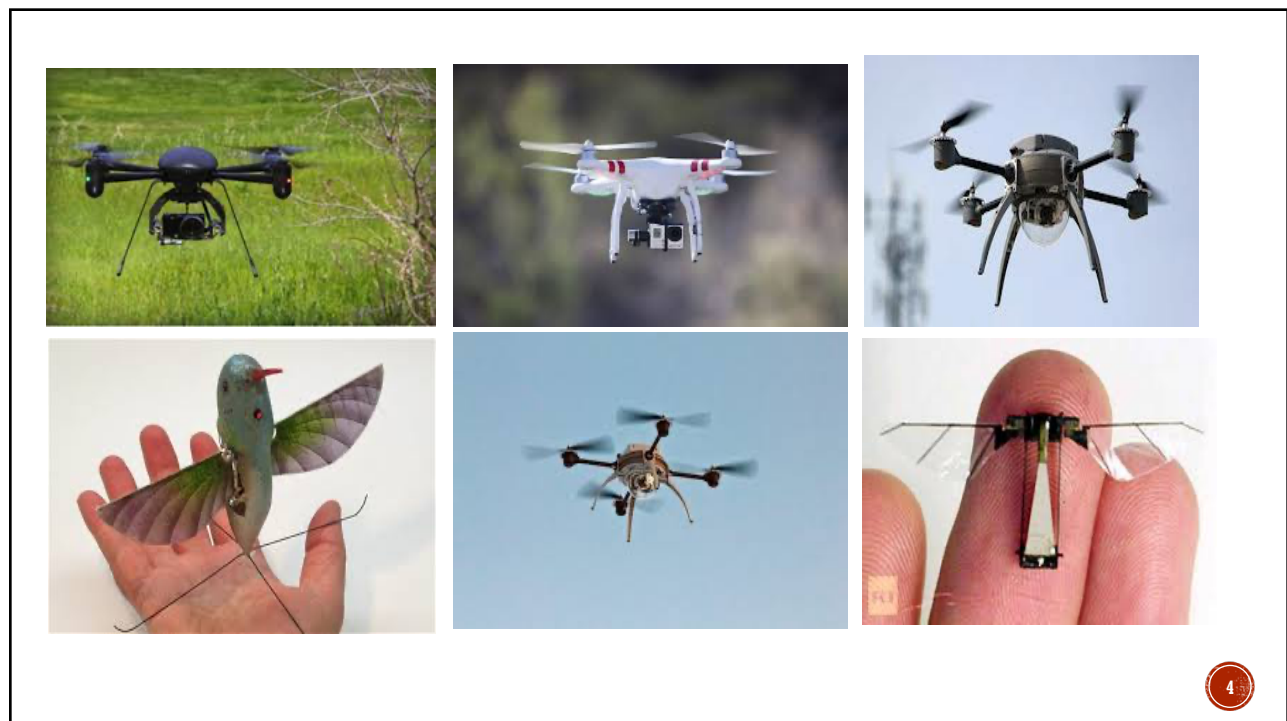
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TODAY'S TOPICS

1. Current regulatory landscape
2. No fly zones
3. Managing drone risks
4. Developing a drone policy



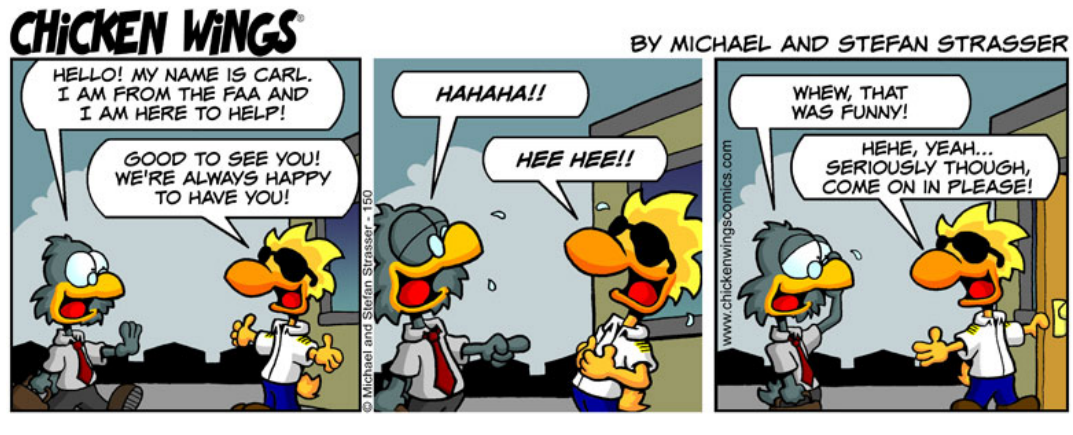
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CURRENT REGULATORY LANDSCAPE — FEDERAL LAW



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CURRENT REGULATORY LANDSCAPE — FEDERAL LAW



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CURRENT REGULATORY LANDSCAPE — FEDERAL LAW

- Government entities have two options for operating drones
 1. Fly under Small UAS Rule (14 CFR part 107)
 2. Obtain a Certificate of Authorization

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CURRENT REGULATORY LANDSCAPE — SMALL UAS RULE

- Drone must be less than 55 lbs
- Must register drone w/FAA
- VLOS operation only
- Must fly under 400 feet and daylight only
- May not fly over people or operate from moving vehicle



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CURRENT REGULATORY LANDSCAPE — SMALL UAS RULE

- Establishes concept of “pilot in command”
- Must yield to manned aircraft
- Must report accidents to FAA w/in 10 days
- May not operate within 5 miles of airport or heliport



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CURRENT REGULATORY LANDSCAPE — UTAH LAW

- SB 111 (2017)
- HB 217 (2017)
- HB 126 (2016)



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CURRENT REGULATORY LANDSCAPE — UTAH LAW — SB111

- Preempts local regulation
- Enacts special rules governing use of drones by law enforcement
- Bans operation of drone w/ a weapon unless receive COA from FAA or state



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CURRENT REGULATORY LANDSCAPE — UTAH LAW — SB111

- Enacts rules for recreational flying of drones
- Obligates law enforcement to issue warnings
- Imposes criminal penalties for unlawful use

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CURRENT REGULATORY LANDSCAPE — UTAH LAW — HB 217

- Prohibits use of drone to intentionally disturb or harm livestock
- Class B or A misdemeanor for violation

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CURRENT REGULATORY LANDSCAPE — UTAH LAW — HB 126

- Prohibits flying a drone within certain distance of wildfire
- Misdemeanor for violation, but felony if crashes into manned aircraft

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CURRENT REGULATORY LANDSCAPE — PREEMPTION CONTROVERSIES



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NO FLY ZONES



NO DRONE ZONE



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NO FLY ZONES



NO DRONE ZONE



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NO FLY ZONES



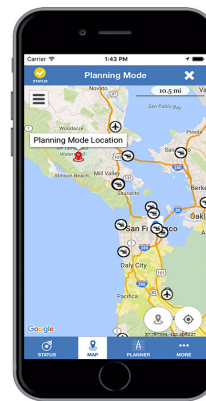
NO DRONE ZONE



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NO FLY ZONES



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MANAGING RISKS

1. Compliance risks
2. Operating risks
3. Security concerns
4. Privacy & trespass issues

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MANAGING RISKS - COMPLIANCE

1. Compliance risks

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MANAGING RISKS - OPERATING

1. Compliance risks
2. Operating risks

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MANAGING RISKS - SECURITY

1. Compliance risks
2. Operating risks
3. Security concerns

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MANAGING RISKS – PRIVACY & TRESPASS

1. Compliance risks
2. Operating risks
3. Security concerns
4. Privacy & trespass issues

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MANAGING RISKS - PRIVACY



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MANAGING RISKS - PRIVACY

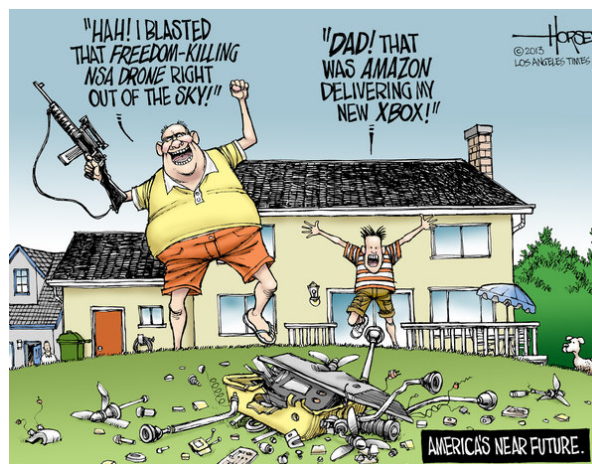


"Oh, no. My wife's drone!"

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MANAGING RISKS - TRESPASS



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WRITTEN DRONE POLICIES – NECESSARY?

- Every government agency should have a written drone policy
- Needed for compliance purposes and to garner public support of use of drones

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DRONE POLICIES – SUGGESTED PROVISIONS

- Purpose statement
- Definition of key terms
- Permitted and prohibited uses
- Command structure to approve and oversee use
- Operating policies and procedures

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DRONE POLICIES – SUGGESTED PROVISIONS

- Record keeping
- Classification of records under GRAMA
- Data retention
- Security
- Reporting of accidents

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DRONE POLICIES – SUGGESTED PROVISIONS

- Maintenance and minimum drone specifications
- Certification and training
- Commercial and private use of govt. drone
- Use of privately owned drone for govt. purposes

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DRONE POLICIES – SUGGESTED PROVISIONS

- Citizen complaints about government use
- Citizen complaints about private use
- Compliance with state and federal law

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BEST PRACTICES FOR GOVT. DRONE OPERATORS

Drone operators should:

- 1. Give notice of use of drones which collect info.**
- 2. Not collect data where operator knows a person has an expectation of privacy.**
- 3. Avoid persistent or prolonged surveillance**
- 4. Make reasonable efforts to minimize flying over private property**
- 5. Retain info collected for as short a period of time, as possible**

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BEST PRACTICES FOR GOVT. DRONE OPERATORS

Drone operators should:

- 6. Not use any info collected for employment, credit or health care purposes**
- 7. Establish a process for people to complain and request deletion**
- 8. Limit sharing of info collected with third-parties**
- 9. Take reasonable steps to de-identify any info released to public**
- 10. Comply with all federal, state and local laws**



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HANDOUTS

- Considerations for government when purchasing a drone
- Federal vs. state regulation of drones
- Summary of Utah laws regarding drones
- Government regulatory approaches and concerns regarding drones
- Selected links & readings on drones



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THE FUTURE?



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